

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 26, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:14 a.m. The meeting was recessed by Mayor Murphy at 11:33 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy 12:04 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 12:05 p.m.

Mayor Murphy reconvened the meeting at 2:10 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 2:15 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 2:35 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 3:05 p.m. to reconvene the Redevelopment Agency and to convene the Housing Authority thereafter. Mayor Murphy reconvened the regular meeting at 3:37 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:42 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss pending and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Fishkin (er/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Reginald Gary of the New Creation Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

5/14/2001
5/15/2001
5/21/2001
5/22/2001
6/04/2001 at 2:00 p.m.
6/04/2001 at 6:30 p.m.
6/05/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A035-045.)

MOTION BY STEVENS TO APPROVE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: William Tayari Howard Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1649) ADOPTED AS RESOLUTION R-295083

Commending William Tayari Howard for his dedicated service to the City of San Diego;

Proclaiming June 25, 2001 to be "William Tayari Howard Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-083.)

MOTION BY STEVENS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Ronald A. Reina Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1650) CONTINUED TO MONDAY, JULY 9, 2001

Recognizing the many accomplishments and dedication of Ron Reina and proclaiming June 25, 2001 to be "Ronald A. Reina Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-090.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JULY 9, 2001 SO THAT MR. REINA CAN BE IN ATTENDANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Jackie Robinson YMCA Monarchs Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1745) ADOPTED AS RESOLUTION R-295084

Commending the Monarchs for their accomplishments;

Proclaiming June 25, 2001 to be "Jackie Robinson YMCA Monarch's Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A092-160.)

MOTION BY STEVEN TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Don Stillwell commented regarding bonds. A \$46 million fee has been quoted to issue \$225 million in bonds for a ballpark, more than 20% of the face value of the bonds just to issue them. Bonds plus interest cause indebtedness for future generations. Instead of issuing bonds for the ballpark, the Council should think of ways to build the ballpark without debt and save the \$46 million fee for issuing bonds and the interest required while the bonds are paid off. The ballpark should be considered as an investment. Two City investment funds have grown from \$2.2 billion in 1991 to \$7.1 billion in 2000. These funds are owned by the City and made possible by City employees who paid into the pension and retirement plan. The City should use a portion of this profit in lieu of bonded indebtedness and eliminated the expense of issuing bonds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-255.)

PUBLIC COMMENT-2:

Jarvis Ross commented on the Sea World Master Plan update. On July 10, this issue will be heard, both the proponents of the Sea World Master Plan update and the opponents of the Master Plan changes that provide for the amusement park rides in excess of 30 feet. Sea World has commented that they will “tank” if they do not build tall icons and high-rise amusement park rides. They have never offered evidence to support this claim.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A261-307.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER

Keith Kruger commented regarding his concern that the City has proposed to move from low pressure sodium lighting to white lights. Mr. Kruger stated that this proposal has the potential to make the situation worse. He explained the physiological responses of the human eye to light and the purpose of the light.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A318-382.)

PUBLIC COMMENT-4:

Pat Gallagher expressed her concern regarding the City's practice of raking the beach. She stated that the raking of the beach is destroying the grunions' eggs and she requested that this practice cease during July which is when the grunions lay their eggs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A389-498.)

PUBLIC COMMENT-5:

Daniel Beeman commented regarding public noticing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A500-544.)

PUBLIC COMMENT-6:

Debbie Jimenez commented regarding unlawful detention and false reports.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A545-B015.)

PUBLIC COMMENT-7:

Dan Tomskey, Bill Bradshaw, and Vitou Reat commented regarding restricting alcohol billboards and enforcing laws for illegally placed billboards. They requested that this matter be investigated and the parties responsible for illegally placing the billboards be held accountable for their actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B017-134.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced the 12th anniversary of Being Alive San Diego an HIV and AIDS community service agency.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B136-142.)

COUNCIL COMMENT-2:

Council Member Peters shared some notes from Sunset Hills School 5th grade students who visited City Hall.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B143-173.)

COUNCIL COMMENT-3: REFERRED TO THE CITY MANAGER

Council Member Frye requested dates from the City Manager that beach raking will occur. Council Member Frye expressed her concerns regarding the destruction of the grunions' eggs when the beaches are raked.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B174-188.)

COUNCIL COMMENT-4:

Council Member Wear requested that the City Manager ensure the City is complying with ADA requirements on the Old Boat Dock project in Quivera Basin.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B189-198.)

COUNCIL COMMENT-5:

Council Member Madaffer commented on the wonderful job the City Manager and the Police Department is doing with regards to the Biotech Conference in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B199-222.)

COUNCIL COMMENT-6:

Mayor Murphy commented on the wonderful job the Police Department, Fire Department, and other security agencies are doing in connection with the Biotech Conference.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B223-247.)

COUNCIL COMMENT-7:

Comment by Council Member Madaffer regarding appreciating the opportunity to introduce representatives from the Biotech Conference, and that there was a senseless tragedy involving a drunk driver where San Diego Police Officer Donna Mouzy was killed. Council Member Madaffer stated that during the course of the Convention, the Executive Director of Biotech expressed their appreciation for the outstanding work of the San Diego Police Department, and the Law Enforcement Community. Council Member Madaffer introduced and called forward Joe Panetta, the local Executive Director for Biotech. A check from Biotech for \$25,000 made out to the Mouzy Trust Fund was presented to Police Chief David Bejarano.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D020-174.)

CITY MANAGER COMMENT:

City Manager Uberuaga announced that the State Budget Committee has come up with a proposed State budget. Mr. Uberuaga stated that he will provide a report regarding proposals that affect the City of San Diego as soon as possible.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B248-266.)

* ITEM-100: Special Delivery San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1700) ADOPTED AS RESOLUTION R-295085

Recognizing the 10th anniversary of Special Delivery San Diego, and commending them for their outstanding meal-delivery service which has greatly benefitted the HIV/AIDS community in San Diego;

Proclaiming June 22, 2001 to be "Special Delivery San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-196.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Appointing Barry Schultz and Anthony Lettieri to the City of San Diego Planning Commission.

(See memorandum from Mayor Murphy dated 5/18/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1651 Cor. Copy 2) ADOPTED AS RESOLUTION R-295086

Council confirmation of the following appointments by the Mayor to serve as members of the Planning Commission for four-year terms ending January 28, 2005:

Appointments:

Barry J. Schultz
(replacing Andrea P. Skorepa, whose term has expired)

Anthony J. Lettieri - Vice Chair
(replacing Mark Steele, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A162-196.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Ernesto Ruffo Appel Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1755) ADOPTED AS RESOLUTION R-295087

Recognizing and appreciating the assistance of Ernesto Ruffo Appel, Governor of the State of Baja California, for his dedication to the welfare of the international relationship between Mexico and our city; and proclaiming June 21, 2001, as "Ernesto Ruffo Appel Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-196.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Ruth Schneider Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1756) ADOPTED AS RESOLUTION R-295088

Recognizing and appreciating the assistance of Ruth Schneider on behalf of the people of San Diego and proclaiming June 26, 2001 to be "Ruth Schneider Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-196.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Slope Easement Abandonment.

(Pacific Beach Community Area. District-6.)

(Continued from the meeting of May 22, 2001, Item 104, at the request of Council, to allow the in-coming Councilmember from District 6 to review and vote on the item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1418) CONTINUED TO TUESDAY, JULY 31, 2001

Vacating the slope easement located in Lots 53 through 58, Block 7 of Floral Terrace, Map 1635.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a slope easement in Lots 53 through 58 in Block 7 of Floral Terrace Subdivision Map 1635, which is located in the Pacific Beach Community area within Council District 6. The easement was granted to the City in 1961 for earth excavation and embankment for road purposes. The street has been constructed and the slope easement is no longer necessary. The easement to be abandoned was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B356-375.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, JULY 31, 2001 TO GIVE THE COMMUNITY PLANNING GROUPS TIME TO HEAR THE ITEM AT THEIR MEETINGS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NOTE: It is anticipated that this item will be continued to Tuesday July 31, 2001.

ITEM-330: Chevron Gas Station - Sorrento Hills.

(Continued from the meeting of April 17, 2001, Item 332, at the request of Council Member Peters, to allow for the time necessary to do a site specific health risk assessment.)

Matter of the appeals by Chevron Products and Richard Kiy for Torrey Hills Community Coalition, from the decision of the Planning Commission in denying the appeal of the decision of the Hearing Officer and approving the project with modifications. Chevron Corporation proposes to construct and operate a limited-hours gas station, mini-mart and automated car wash facility on a vacant 2.48-acre site located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the Sorrento Hills Community Plan area.

(99-1200 PCD/CUP. Sorrento Hills Community Plan area. District-1.)

NOTE: Public testimony portion of hearing closed, except for specific issues regarding health assessment. Testimony taken on 4/17/2001. District 6 vacant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to deny the appeals and grant the permit:

Subitem-A: (R-2001-) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR-99-1200 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Commercial Development/Conditional Use Permit No. 99-1200, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on February 1, 2001 voted 6 - 0 to deny the Sorrento Hills Community Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project, however the Commission conditioned their approval of this project upon modifications; was opposition.

Ayes: Anderson, Garcia, Steele, Brown, Butler, Stryker
Not present: Skorepa

The Sorrento Hills Planning Committee on October 17, 2000, voted unanimously (8 - 0) to recommend denial of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 2.48-acre project site is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the CC-1-3 (formerly the CA) zone of the Sorrento Hills Community Plan.

In summary, the project proposes to construct and operate a self-service gasoline station, convenience store, and an automated car wash on the subject property. Following is a description of the various building and site improvements proposed for this project:

Gas station: Construct a self-service gas station in the central portion of the property; including the installation of two (20,000 gallon) underground fuel storage tanks, six fuel pump islands (totaling 12 fuel dispensers), and construction of a 23-foot high steel frame canopy above the fuel pump area.

Convenience store: Construct a one-story (3,000 square-foot) convenience store in the northeast portion of the property. This building (maximum height of 26-feet) would be constructed with natural stone, painted stucco walls, and a clay tile roof. In addition to the retail sale of food, fuel and general merchandise items, the applicant is also proposing to sell alcoholic beverages (beer and wine only) in the convenience store.

Carwash: Construct a one-story automated car wash in the southeastern portion of the site, behind the proposed fuel pump area. The plans indicate that the design of this structure would match the architectural style of the convenience store.

Parking: A total of 16 parking spaces would be provided on site for customers and employees of the development. The amount and location of these parking spaces is consistent with requirements of the City Engineer.

Access: Vehicle access to the site would be provided via the construction of three commercial driveways; including two (30-foot wide) driveways along the eastern project frontage on East Ocean Air Drive, and one (35-foot wide) driveway along the project's Carmel Mountain Road frontage.

Landscaping: The project's landscape plan includes a variety of street trees, shrubs and groundcovers which were selected by the applicant to achieve compliance with the City's Landscape Technical Manual and the Sorrento Hills Community Plan; and features the installation of a number of trees and decorative shrubs along the perimeter of both street frontages; and at various locations within the site's interior.

In accordance with the Planning Commission's approval of this project, and prior to the recordation of any permits with the County Recorder's Office, the applicant will be required to modify the project's landscape plan to replace all deciduous trees with non-deciduous species (24-inch box "broad leaf evergreen"); and install double-rows of evergreen shrubs (4- to 5-foot high) along the project frontage on Carmel Mountain Road to provide increased screening of the proposed commercial uses.

NOTE: On March 20, 2001 Council voted unanimously to hear the appeal (Council District 2 - not present, Council District 6 - vacant).

FISCAL IMPACT: None.

Loveland/Christiansen/KS

LEGAL DESCRIPTION:

The property is located at 11140 East Ocean Air Drive, on the southwest corner of Carmel Mountain Road and East Ocean Air Drive in the Sorrento Hills community and is more particularly described as Parcel 1, Map 18123.

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Tape location: B268-285.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, JULY 31, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-331: Second Update to the Land Development Code.

This action includes adopting an ordinance amending the effective date of the Second Update to the Land Development Code which was approved by the City Council on December 12, 2000 and certified by the California Coastal Commission on May 8, 2001.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance:

(O-2001-172) INTRODUCED, TO BE ADOPTED ON MONDAY,
JULY 9, 2001

Introduction of an Ordinance of the Council of the City of San Diego amending the effective date of the previously approved Second Update to the Land Development Code.

COMMITTEE ACTION:

Land Use and Housing Committee's Recommendation - On September 20, 2000, the Land Use and Housing Committee voted 4-0 to recommend approval of the Second Quarterly Update to the LDC with one modification. The committee recommended deleting the proposed provision that would require an additional parking space for guest quarters.

OTHER RECOMMENDATIONS:

Planning Commission on August 17, 2000 voted 6-0 to approve; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker, White
Not present: Skorepa

On August 17, 2000, the Planning Commission voted 6-0 to recommend approval of the minor format and reference corrections, consistency corrections, subdivision procedures, the Transit Area Overlay Zone update, and the Carmel Valley Planned District Ordinance parking regulations and to continue the hearing on the proposed amendments to telecommunication facilities regulations and floodplain regulations until September 28, 2000. They also continued the issue relating to curation procedures in the Historical Resources Guidelines until language acceptable to the Historical Resources Board is developed.

Planning Commission on September 28, 2000 voted 5-0 to approve; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker
Not present: Skorepa, White

At the September 28, 2000 hearing, the Planning Commission voted 5-0 to recommend approval of the floodplain regulations and the telecommunication facilities regulations with one addition. The Commission recommended that antennas and associated equipment proposed to be undergrounded and located in the public right-of-way in the near vicinity (100 feet) of residential uses should be required to obtain a Neighborhood Use Permit, decided in accordance with a Process Two.

No community planning group has submitted a recommendation.

This is a matter of a Citywide effect.

SUPPORTING INFORMATION:

On January 8, 2001, the City Council adopted Ordinance O-18910 approving amendments to the Land Development Code (LDC) as part of the Second LDC Update. The amendments were then submitted to the California Coastal Commission for certification as part of the City of San Diego's Local Coastal Program.

On May 8, 2001, the California Coastal Commission certified the Second LDC Update without any modifications, except for the amendments relating to floodplain regulations. The Commission will consider the amendments to the floodplain regulations at a future hearing.

Because all of the issues in the Second LDC Update were approved under one ordinance, a new ordinance stipulating the correct effective date must be adopted by the City Council in order to implement the approved and certified amendments.

FISCAL IMPACT: None.

Loveland/Christiansen/BAM

LEGAL DESCRIPTION: Citywide.

ENVIRONMENTAL IMPACT: Action on the ordinance amending the effective date of the previously approved Second Update to the Land Development Code is exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B379-488.)

Hearing began at 11:22 a.m. and halted at 11:32 a.m.

MOTION BY MAIENSCHIN TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-332: Three actions related to State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road).

(See City Manager Report CMR-01-132. Torrey Highlands Planned Urbanizing Area and Subarea III Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1751) CONTINUED TO TUESDAY, JULY 24, 2001

Authorizing the City Manager to amend the Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding and right-of-way acquisition for the State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road.)

Subitem-B: (R-2001-1752) CONTINUED TO TUESDAY, JULY 24, 2001

Amending the FY2001 Capital Improvements Program by amending CIP-52-463.0 by increasing the appropriation by an amount not to exceed \$34,850,000 (\$24,037,000 from Fund No. 38976 and \$10,813,000 from Fund No. 38977), for the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs;

Authorizing the expenditure of an amount not to exceed \$34,850,000 from CIP-52-463.0 for the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs, contingent upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-C: (R-2001-1750) CONTINUED TO TUESDAY, JULY 24, 2001

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION.

Determining that the public interest and necessity require the acquisition of certain land for the State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road) and directing the filing of eminent domain proceedings to condemn, acquire, and obtain prejudgement possession of the property for use of the City;

Stating for the record that the final Environmental Impact Report LDR-95-0099, dated May 14, 1998, and adopted June 16, 1998 and July 21, 1998, by Resolution Nos. R-290286 and R-290467, has been reviewed and considered by Council.

Note: 6 votes required for Subitem C.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B286-355.)

MOTION BY MAIENSCHIN TO CONTINUE TO TUESDAY, JULY 24, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Initial Steps to Issue Housing Revenue Bonds for Harbor View Villas.

(See San Diego Housing Commission Report HCR-01-069. Chollas View Community Area. District-4.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1705) ADOPTED AS RESOLUTION R-295089

Approving the issuance of bonds by the Housing Authority of the City of San Diego in a principal amount not to exceed \$4,500,000 to finance the acquisition and rehabilitation of the Harbor View Villas Project pursuant to section 147(f) of the Internal Revenue Code of 1986.

Hearing began at 3:37 p.m. and halted at 3:39 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D353-355.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: A 30.83 acre land and 35.08 acre water portion of the Quivira Basin area of Mission Bay Park (APN-760-029-03, 760-029-04, 760-029-05 and 760-029-08).

City Negotiator: Real Estate Assets Director.

Negotiating Parties: Christopher Hill Development Company as consultant to the Retirement Trust Fund of the Plumbing, Heating and Piping Industry of Southern California d.b.a. Marina Village.

Under Negotiation: Lease provisions for seven (7) new ground leases as part of a redevelopment proposal for Marina Village and the adjoining Seaforth Sportfishing, Sportsmen's Seafoods and Driscoll Mission Bay leaseholds.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

REFERRED TO CLOSED SESSION

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on June 26, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B497-528.)

Mayor Murphy closed the hearing.

ITEM-S501: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

In the matter of directing the City Manager to enter into a new lease with the YMCA at Torrey Hills Neighborhood Park (APN-307-451-57) and to extend the existing La Jolla (APN-346-711-07) and Peninsula (APN-449-110-09) YMCA leases.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

REFERRED TO CLOSED SESSION

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on June 26, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D379-384.)

Mayor Murphy closed the hearing.

ITEM-S502: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.

Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

REFERRED TO CLOSED SESSION

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on June 26, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D386-392.)

Mayor Murphy closed the hearing.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:42 p.m. in honor of the memory of:

Paul Sherwood and Joseph Ternullo as requested by Council Member
Maienschein.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: D393-422.)